IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 6045 of 2004(T)

PETITIONER:

KARUNAGAPPALLY TALUK HANDLOOM WEAVERS INDUSTRIAL CO-OPERATIVE SOCIETY LTD.NO.Q.H.2, EDAKULANGARA P.O., REPRESENTED BY ITS SECRETARY KOMALAVALLI AMMA, W/O. S. BHASKARAN NAIR, RESIDING AT VIJAYA BHAVANAM, VENGARA, THODIYOOR NORTH P.O., KARUNAGAPPALLY, KOLLAM.

BY ADV. SRI.P.V.VENUGOPAL

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT FOR INDUSTRIES, SECRETARIAT, THIRUVANANTHAPURAM.

2. REGIONAL PROVIDENT FUND COMMISSIONER, THIRUVANANTHAPURAM HAVING REGISTERED OFFICE AT THIRUVANANTHAPURAM.

3. RECOVERY OFFICER, KERALA EMPLOYEES PROVIDENT FUNDS, BHAVISHYANIDHI BHAVAN, THIRUVANANTHAPURAM-695 004.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, IHRDE
GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 6045/2004 T

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RECEIPT INDICATING PAYMENT OF PF.

EXT.P2. COPY OF THE RECEIPT INDICATING PAYMENT OF PF.

EXT.P3. COPY OF THE RECEIPT INDICATING PAYMENT OF PF.

EXT.P4. COPY OF THE RECEIPT INDICATING PAYMENT OF PF.

EXT.P5. COPY OF THE RECEIPT INDICATING PAYMENT OF PF.

EXT.P6. COPY OF THE RECEIPT INDICATING PAYMENT OF PF.

EXT.P7. COPY OF GO RT NO. 59/98/ID D. 19/1/98.

EXT.P8. COPY OF THE FINANCIAL ASSISTANCE FOR REVITALIZATION OF FACTORY TYPE HANDLOOM WEAVERS SOCIETY.

EXT.P9. COPY OF THE DEMAND AND RECOVERY NOTICE.

EXT.P10. COPY OF THE REPRESENTATION DT. 7/1/04.

RESPONDENT'S EXHIBITS

EXT.R2A. COPY OF THE LETTER DT. 12/2/03 OF R2 ISSUED TO THE PETITIONER.

EXT.R2B. COPY OF THE DEMAND NOTICE DT. 11/6/03 TO THE PETITIONER.

EXT.R2C. COPY OF THE LETTER DT. 28/1/2003 TO THE PETITIONER.

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 6045 OF 2004

Dated this the 8th day of August, 2007.

J U D G M E N T

Petitioner approached this Court aggrieved by Exhibit P9 notice in the matter of proceedings under Section 14B of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952.

2. Sri. N.N. Sugunapalan, learned Standing Counsel referring to the counter affidavit submits that the petitioner was given ample opportunities, but the petitioner did not turn up on such occasions.

Be that as it may. Taking note of the entire facts and circumstances of the case, particularly the contention that the petitioner is still a sick unit, it is only in the interest of justice that a further opportunity is given. Therefore, there will be a direction to the competent authority to afford a fresh opportunity to the petitioner before any further action is taken in the matter.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp